

Regular Session, 2010

HOUSE BILL NO. 841

BY REPRESENTATIVE ARNOLD AND SENATOR MICHOT

ENERGY: Provides for leases for production of hydrokinetic energy on state lands

1 AN ACT

2 To enact Chapter 10 of Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 30:1001 through 1003, relative to the development of
4 renewable energy sources; to authorize the Department of Natural Resources to
5 execute leases on state lands for development and production of energy from
6 hydrokinetics; to provide for legislative finding; to provide a process for executing
7 leases on state lands for the development and production of energy from
8 hydrokinetics; to provide for the powers and duties of the secretary of natural
9 resources; to provide for the powers and duties of the State Mineral and Energy
10 Board; to authorize the implementation of fees; to provide for the promulgation of
11 rules and regulations; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Chapter 10 of Subtitle I of Title 30 of the Louisiana Revised Statutes of
14 1950, comprised of R.S. 30:1001 through 1003, is hereby enacted to read as follows:

15 CHAPTER 10. LEASES FOR PRODUCTION OF HYDROKINETIC ENERGY

16 §1001. Legislative findings

17 The legislature finds that the state, through the Department of Natural
18 Resources, should promote the generation and use of the renewable energy derived
19 from hydrokinetics in waterways throughout the state to ensure the viability of the
20 state's natural resources, to provide a continuing utility-scale clean energy source for

1 the citizens and businesses of Louisiana, to support economic development through
2 job retention and creation in Louisiana, and to promote a clean and lasting
3 environment.

4 §1002. Lease authority

5 A. Notwithstanding any other provision of law, the State Mineral and Energy
6 Board, in accordance with the provisions of this Chapter and regulations
7 promulgated by the secretary of the Department of Natural Resources pursuant to
8 this Chapter, shall have authority to execute leases for the development and
9 production of hydrokinetic energy on any lands belonging to the state or lands to
10 which title is held by the state, including water bottoms, vacant state lands, and lands
11 adjudicated to the state at tax sale, except lands that form any portion of state
12 highway rights-of-way. A lease shall be granted only to the holder of a hydropower
13 license or an exemption from a hydropower license covering the location of such
14 lease issued by the Federal Energy Regulatory Commission pursuant to the authority
15 granted to the commission under the Federal Power Act, 16 U.S.C. 791a et seq.

16 B. Any lease granted under the provisions of this Chapter shall be subject to
17 and conditioned upon receipt and continued maintenance of a hydropower license
18 or exemption from a hydropower license issued by the Federal Energy Regulatory
19 Commission pursuant to the authority granted to such commission under the Federal
20 Power Act.

21 §1003. Powers and duties of the secretary of Department of Natural Resources

22 A. The secretary of Department of Natural Resources shall promulgate rules
23 and regulations pursuant to the Administrative Procedure Act, R.S. 49:950 et seq.,
24 to implement the provisions of this Chapter and to institute reasonable fees for
25 services performed by the department. The rules and regulations shall include all
26 provisions necessary to accomplish the intent of the legislature as stated in this
27 Chapter.

1 B. Any fees promulgated by the department pursuant to Subsection A of this
2 Section shall be approved by the House of Representatives Committee on Natural
3 Resources and Environment and the Senate Committee on Natural Resources.

4 Section 2. This Act shall become effective upon signature by the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Arnold

HB No. 841

Abstract: Authorizes the executing of leases for the development and production of hydrokinetic energy on state lands.

Proposed law provides for legislative findings and authorizes the State Mineral and Energy Board to execute leases for the development and production of hydrokinetic energy on state lands, except state highway rights-of-way.

Proposed law provides that a lease shall be executed only to the holder of a hydropower license or an exemption from a hydropower license covering the location of such lease issued by the Federal Energy Regulatory Commission. The execution of any such lease shall be conditioned on the maintenance of such license or exemption.

Proposed law authorizes the secretary of the Dept. of Natural Resources to promulgate rules and regulations to implement proposed law including instituting reasonable fees. Requires any fees promulgated to be approved by the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 30:1001-1003)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill.

1. Changed the grant of authority from "granting servitudes" to "executing leases".

House Floor Amendments to the engrossed bill.

1. Required any fees promulgated to be approved by the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources.